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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,008	02/16/2001	Charles A. Price	19685.0007	4067
22830	7590	02/10/2006	EXAMINER	
CARR & FERRELL LLP 2200 GENG ROAD PALO ALTO, CA 94303			PATEL, NIKETA I	
			ART UNIT	PAPER NUMBER
			2181	

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/785,008		PRICE ET AL.	
	Examiner		Art Unit	
	Niketa I. Patel		2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 20-27 and 30-38 is/are rejected.
- 7) ☒ Claim(s) 18, 19, 28 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5-6, 12-14, 16-17, 21-22, 24-27 and 30-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Liese et al. U.S. Patent Number 6,425,096 B1 (hereinafter "*Liese*".)

3. Referring to claims 1, 22, 30, 32, 37, 38, *Liese* discloses a system for configuring one or more devices to customize a lab network in one or more participating facilities for testing scenarios using those devices, comprising: a language subsystem for creating a network topology description for a scenario [see column 2, lines 64-67 and column 3, lines 1-6 and column 1, lines 55-67 and column 2, lines 1-25]; a scenario scheduling subsystem for scheduling a particular, future time for a facility to execute the scenario and for reserving one or more requested devices to be utilized in executing the scenario [see

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column 2, lines 1-25 and column 3, lines 23-60], and a lab management subsystem for executing the scenario [see column 5, lines 18-30 and column 3, lines 60-65], a scenario archive subsystem for archiving the scenario for reuse [see figure 4, elements 36, 38, 40, 42.]

4. **Referring to claim 5,** *Liese* discloses the language subsystem is accessible via a web browser application [see column 2, lines 64-67 and column 3, lines 1-6.]

5. **Referring to claim 6,** *Liese* discloses the web browser application includes an integrated visual tool that allows a user to create a scenario by drawing a network topology using the visual tool, such that the drawn network topology is automatically translated into a scenario that can be executed by the lab management subsystem [see column 3, lines 7-22.]

6. **Referring to claim 12, 25,** *Liese* discloses a global scheduler for maintaining scheduling information relating to all of the participating facilities in an associated global schedule database, and a global inventory database for maintaining information relating to all of the devices within the participating facilities [see column 3, lines 23-60 and column 2, lines 1-25.]

7. **Referring to claim 13, 26,** *Liese* discloses wherein the global scheduler interfaces with a local scheduler located in

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respective ones of the participating facilities for maintaining scheduling information relating to that facility in an associated local schedule database, and a local inventory database for maintaining information relating to all of the devices within that facility [see column 3, lines 23-60 and column 2, lines 1-25.]

8. **Referring to claim 14**, *Liese* discloses wherein the scenario scheduling subsystem is accessible via a web browser application [see column 3, lines 7-22.]

9. **Referring to claim 16**, *Liese* discloses wherein the scenario scheduling system further comprises an authentication system for authenticating users accessing the scheduling system to ensure that only those users having valid access can request scheduling of scenarios using the scenario scheduling system [see column 6, lines 24-37.]

10. **Referring to claims 17, 27**, *Liese* discloses wherein each participating facility includes its own lab management subsystem [see column 2, lines 55-67.]

11. **Referring to claim 20**, *Liese* discloses wherein a lab maintenance client interfaces with the lab management subsystem enabling remote control of the lab management subsystem and remote monitoring of the participating facilities [see column 1, lines 45-67.]

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12. **Referring to claim 21**, *Liese* discloses further comprising a scenario archive subsystem for archiving custom created scenarios for reuse in an associated archive database [see figure 4, elements 36, 38, 40, 42.]

13. **Referring to claims 31, 36**, *Liese* discloses comprising a scenario archive subsystem for archiving custom created scenarios for reuse in an associated archive database [see figure 4, elements 36, 38, 40, 42.]

14. **Referring to claim 33**, *Liese* discloses wherein the creating step includes using a visual tool application to create the scenario by drawing a network topology, and automatically translating the network topology into a scenario that can be executed by a lab management subsystem [see column 3, lines 7-22.]

15. **Referring to claim 34**, *Liese* discloses wherein the scheduling step includes accessing a scenario scheduling subsystem to schedule a scenario request, and wherein the scenario scheduling subsystem determines a facility and one or more devices to be used to fulfill the scenario request [see column 3, lines 39-60.]

16. **Referring to claim 35**, *Liese* discloses wherein the executing step includes retrieving description information about devices to be used in executing the scenario, configuring the

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devices in accordance with the description information to enable the devices to be used in the scenario, and managing the operation of the devices during the executing scenario [see column 2, lines 1-25.]

17. Claims 2-4, 7-11, 15 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liese et al. U.S. Patent Number 6,425,096 B1 (hereinafter "*Liese*") and further in view of Humpleman et al U.S. Patent Number: 6,466,971 (hereinafter referred to as "*Humpleman*".)

18. **Referring to claim 2**, *Liese* teaches a language subsystem for creating a network topology description for a scenario [see column 3, lines 7-60] however does not set forth the limitation of the language subsystem utilizes an XML-based language. *Humpleman* teaches use of XML-based language to provide user with easy to use interactive display interface [see *Humpleman* column 2 - lines 52-67 and column 3 - lines 1-8, 'XML format to provide description data of two or more of the plurality of devices connected to the network'.]

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the system of *Liese* to be implemented by using XML-based language to provide user with easy to use interactive

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display interface. It is for this reason that one of ordinary skill in the art would have been motivated to use XML-based language to provide user with easy to use interactive display interface.

19. **Referring to claim 3**, teachings of *Liese* as modified by the teachings of *Humpleman* teaches wherein the network topology description includes any of network topology information, device and interface configuration information, and condition state information of the topology and devices [see *Liese* column 2, lines 1-25.]

20. **Referring to claim 4**, teachings of *Liese* as modified by the teachings of *Humpleman* teaches wherein the XML-based language is a Network Description Language [see *Humpleman* column 2 - lines 52-67 and column 3 - lines 1-8, 'XML format to provide description data of two or more of the plurality of devices connected to the network'.]

21. **Referring to claim 7**, teachings of *Liese* as modified by the teachings of *Humpleman* teaches wherein the visual tool is integrated with the web browser application as a Java applet [see *Humpleman* column 16 - lines 59-66.]

22. **Referring to claim 8**, *Liese* teaches a language subsystem for creating a network topology description for a scenario [see column 3, lines 7-60] however does not set forth the limitation

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of wherein the language subsystem comprises a schema for formally defining an XML-based language to describe the network topology description, and a parser for interpreting language expressions and determining whether those expressions are valid for creating a scenario description. *Humpleman* teaches to formally defining an XML-based language to describe devices and a parser for interpreting language expressions in order to provide user with easy to use interactive display interface [see *Humpleman* column 13 - lines 1-10, 20-41, 'English words to describe CE devices,' 'a look-up table to convert form XML to API definitions' and 'validity checks'; column 16 - lines 21-35, 'XML parser 74'.]

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the system of *Liese* to formally defining an XML-based language to describe devices and a parser for interpreting language expressions to provide user with easy to use interactive display interface. It is for this reason that one of ordinary skill in the art would have been motivated to formally defining an XML-based language to describe devices and a parser for interpreting language expressions to provide user with easy to use interactive display interface.

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23. **Referring to claim 9**, teachings of *Liese* as modified by the teachings of *Humpleman* teaches wherein the language subsystem further comprises a set of extensions for interfacing with a scenario description creation tool for translating objects created by the scenario description creation tool into the XML-based language [see *Humpleman* column 13 - lines 20-41, 'the look-up table'.]

24. **Referring to claim 10**, teachings of *Liese* as modified by the teachings of *Humpleman* teaches wherein additional objects are created using any of a standard text or XML editor [see column 10 - lines 30-36, 'text or XML files'.]

25. **Referring to claim 11**, *Liese* teaches a language subsystem for creating a network topology description for a scenario [see column 3, lines 7-60] however does not set forth the limitation of wherein the scenario description creation tool is Visio. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of enabling users to share ideas and concepts visually by using diagrams to augment written material in documents or by expanding visual elements in a public presentation by using Visio software. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use Visio to get this advantage.

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26. Referring to claim 15, teachings of *Liese* as modified by the teachings of *Humpleman* teaches wherein the web browser application accesses the scenario scheduling subsystem via a Java servlet [see *Humpleman* column 16 - lines 59-66.]

27. Referring to claim 23, *Liese* teaches a language subsystem for creating a network topology description for a scenario [see column 3, lines 7-60] however does not set forth the limitation of wherein the language subsystem utilizes an XML-based language to describe the network topology description. *Humpleman* teaches use of XML-based language to provide user with easy to use interactive display interface [see *Humpleman* column 2 - lines 52-67 and column 3 - lines 1-8, 'XML format to provide description data of two or more of the plurality of devices connected to the network'.]

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the system of *Liese* to be implemented by using XML-based language to provide user with easy to use interactive display interface. It is for this reason that one of ordinary skill in the art would have been motivated to use XML-based language to provide user with easy to use interactive display interface.

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28. Referring to claim 24, teachings of *Liese* as modified by the teachings of *Humpleman* teaches wherein the XML-based language is a Network Description Language [see *Humpleman* column 2 - lines 52-67 and column 3 - lines 1-8, 'XML format to provide description data of two or more of the plurality of devices connected to the network'.]

Response to Arguments

29. Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

30. Claims 18-20, 28-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

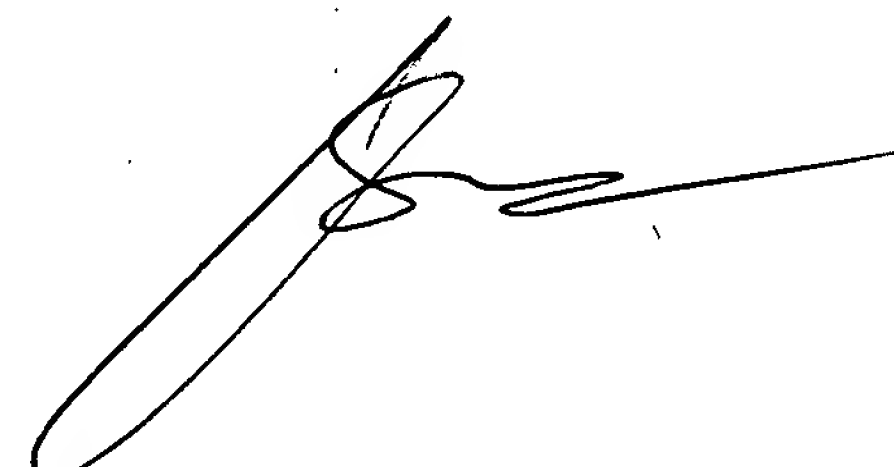
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272 4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP
01/30/2006



KIM HUYNH
SUPERVISORY PATENT EXAMINER
2/2/06